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97TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
No. 97-714

COMPLETED

LOURIE ANN EDER

AUGUST 10, 1982.—Committed to the Committee of the Whole House and ordered to be printed

Mr. FISH, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 215]

The Committee on the Judiciary, to whom was referred the bill (S. 215), for the relief of Lourie Ann Eder, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the admission into the United States of the adopted child of a U.S. citizen and lawful permanent resident alien.

STATEMENT OF FACTS

The beneficiary of the bill is a 20-year-old native and citizen of the Philippines who currently resides in that country with relatives of her adoptive mother. She was adopted in the Philippines on May 9, 1973, by Mr. and Mrs. Federico P. Eder. He is a retired laborer and his wife is not employed. They reside in Waialua, Hawaii, with their adopted son Inocencio. A favorable home study has been submitted. They receive $500 per month social security and have assets of $100,000.

A letter, with attached memorandum, dated August 1, 1977, to the Chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service on a bill then pending is set forth below:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., August 1, 1977.

A21267916.
A21268079.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (S. 769) for the relief of Inocencio Eder and Lourie

Ann Eder, there is attached a memorandum of information concerning the beneficiaries.

The bill provides that the 12- and 16-year-old beneficiaries may be classified as children and be granted immediate relative status upon approval of a petition filed on their behalf by Irinea R. Eder, a citizen of the United States.

Absent enactment of the bill, the beneficiaries, natives of the Philippines, are chargeable to the nonpreference portion of the numerical limitation for immigrants and conditional entrants from countries in the Eastern Hemisphere.

Sincerely,

LEONEL J. CASTILLO,
Commissioner.

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE S. 769

Information in this case was furnished by Mr. Frederico P. Eder and Mrs. Irinea R. Eder, the adoptive parents of the beneficiaries.

The beneficiaries, whose names have been fixed by decree of adoption as Inocencio Eder and Lourie Ann Eder, are natives and citizens of the Philippines. They were born on October 24, 1964, and October 4, 1960, respectively. On May 9, 1973, they were adopted through the Municipal Court of Bacarra, Ilocos Notre, Philippines, by Mr. Federico P. Eder and Mrs. Irinea R. Eder, a lawful permanent resident of the United States and a citizen of the United States, respectively. The beneficiaries' natural parents consented to the adoption for economic reasons. The beneficiaries have never been to the United States. Since adoption they have resided in Bacarra with relatives of their adoptive mother. They are dependent for support on their adoptive parents who furnish $200 per month for their living expenses. Mr. and Mrs. Eder have also established savings for the beneficiaries in the Philippines amounting to $2,400.

Prior to his adoption, beneficiary Inocencio Eder was known as Inocenio Eder, Jr. His natural father is a nephew of his adoptive father. He is in the sixth grade in school. His natural parents, one brother, and two sisters reside in Bacarra apart from him. Prior to her adoption, beneficiary Lourie Ann Eder was known as Lourie Ann Corazon Dacuycuy. Her natural father is a nephew of her adoptive mother. She is in the 10th grade in school. Her natural parents, three brothers, and two sisters reside in Bacarra apart from her.

The beneficiaries' adoptive father, Mr. Federico Pedro Eder, is a native and citizen of the Philippines born on February 22, 1910. He completed 2 years of school. He arrived in the United States in 1929 as an agricultural worker and has resided in Hawaii since that time. He was accorded status as a lawful permanent resident on January 9, 1967. He was employed as a laborer until his retirement in 1975. He receives

$409 per month from social security and retirement benefits. The beneficiaries' adoptive mother, Mrs. Irinea Reyes Eder nee Reyes, is a native of the Philippines born on October 19, 1920. She completed 6 years of school. She was admitted to the United States for permanent residence on January 2, 1966 and she became a U.S. citizen through naturalization on September 17, 1973. She is unemployed and devotes full time to household duties. She receives $117 per month from social security benefits and an insurance annuity. Mr. and Mrs. Eder were married on January 16, 1949. This was the only marriage for both. No children were born of their union because Mrs. Eder is physically incapable of bearing offspring. Mr. and Mrs. Eder stated that they are in good health. They resident alone in a three-bedroom home in Waialua, Hawaii. Their assets include full title to their home valued at $60,000, real estate in the Philippines valued at $10,000, and savings of $44,000.

Mr. Eder has never seen the beneficiaries. He was unable to travel to the Philippines to attend the adoption proceedings because of illness. He was accorded status as an adoptive parent by the court because he had granted power of attorney to his wife, who was present at the proceedings. Prior to the adoption, Mrs. Eder had lived with beneficiary Lourie Ann Eder and her natural parents for approximately 4 years. After the adoption, Mrs. Eder resided with both beneficiaries for a period of 8 months, between November 1974 and July 1975, and for a period of 5 months, between January 1976 and July 1976.

The beneficiaries do not qualify for status as children as defined in section 101(b)(1)(E) of the Immigration and Nationality Act because they have not been in the legal custody of, and resided with, their adopting parent or parents for at least 2 years. For this reason, petitions submitted by Mr. Eder at Honolulu, Hawaii on June 30, 1976, to accord the beneficiaries second preference classification for the issuance of an immigrant visa, were denied by the District Director on September 3, 1976.

Should the beneficiaries be admitted to the United States, they will reside with their adoptive parents in Hawaii. Mr. and Mrs. Eder do not contemplate adopting the beneficiaries in Hawaii since the laws of that State provide that a child lawfully adopted under the laws of any nation shall be accorded the same rights and benefits in all respects as a child legally adopted in Hawaii.

A report from the Department of State dated October 26, 1977 reads as follows:

DEPARTMENT OF STATE,
Washington, D.C., October 26, 1977.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate.

DEAR MR. CHAIRMAN: In reference to your request for a report concerning Inocenio Eder and Lourie Ann Eder, beneficiaries of S. 769,

95th Congress, enclosed is a memorandum of information prepared by the American Embassy at Manila, Philippines, in whose consular jurisdiction the beneficiaries reside.

The bill would grant the beneficiaries immediate relative immigrant status, upon approval of petitions filed in their behalf by Irinea R. Eder, a U.S. citizen. It further provides that no natural parent, brother, sister, or prior adoptive parent shall be accorded any right under the Immigration and Nationality Act by virtue of such relationship.

Sincerely,

DOUGLAS J. BENNET, Jr.,
Assistant Secretary for Congressional Relations.

Enclosure: Memorandum of information.

MEMORANDUM OF INFORMATION CONCERNING S. 769 95TH CONGRESS, FOR THE RELIEF OF INOCENCIO EDER AND LOURIE EDER

(Submitted by the American Embassy at Manila, Philippines)

Inocencio Eder was born on October 24, 1964, at Bacarra, Ilocos Norte. His parents are Inocencio Eder, Sr. and Maria Dacuycuy. The Eders have the following children; Emmanual, 15; Inocencio, 12; Imelds, 11; and Mariesen, 2. Inocencio lives with his natural parents at Barrio No. 12 Bacarra. He is a first year high school student at Bacarra National Comprehensive High School.

Lourie Ann Dacuycuy was born on November 4, 1960, at Bacarra, Ilocos Norte. Her parents are Alfonso Dacuycuy and Nelida Guerroro. The Dacuycuys have the following children; Belen 18; Lourie Ann, 16; Rodrigo, 15; Raymundo, 13; Romelia, 9; and Gerry, 3. Lourie Ann resides with Mrs. Aveline Vea, cousin of her parents, at Barrio No. 16, Becarra, while parents reside at Barrio No. 14. Lourie Ann is a first year high school student at the Northern Christian College in Laoag City.

Inocencio and Lourie Ann receive about $200 a month support from their adoptive parents, Federico and Irinea Eder of Hawaii. Inocencio has one uncle and four aunts in Hawaii. His father, Inocencio, Eder, Sr., is registered under the fifth preference waiting list with a registration priority date of March 12, 1968. Federico Eder is the uncle of Inocencio Eder, Sr. Mrs. Irinea Eder is the great aunt of Lourie Ann. Inocencio, Jr., and Lourie Ann are first cousins as Alfonso Dacuycuy, Lourie Ann's father and Maria Dacuycuy Eder, Inocencio Jr.'s, mother, are brother and sister. According to Inocencio Eder, Sr., Mrs. Eder acquired custody of Inocencio and Lourie Ann in 1964 but legal adoption took place only last May 9, 1973. Three copies of the adoption decree are attached. Mrs. Eder immigrated to the United States in 1966, and her husband has been living in Hawaii for about 48 years.

Lourie Ann is not registered for immigration but would be chargeable to the heavily oversubscribed nonpreference waiting list if she were able to meet the labor certification

requirement of section 212(a)(14). Inocenecio Eder would be legally entitled to accompany his natural father to the United States as a derivative fifth preference immigrant, notwithstanding his adoptive status. Visa numbers are presently available for Philippine born fifth preference applicants with priority dates earlier than November 1, 1967. It is expected that his father's priority date will be reached in the not too distant future.

A medical examination conducted by a member of the Embassy's panel of physicians showed no defect, disease or disability for either beneficiary. Outside security checks were not made because of the beneficiaries' ages.

Enclosures: As stated.

REPUBLIC OF THE PHILIPPINES, PROVINCE OF ILOCOS NORTE

IN THE MUNICIPAL COURT OF BACARRA

(Sp. Proc. No. 283)

(Re: Adoption of the minors Lourie Ann Dacuycuy and Inocencio Eder, Jr.—Federico P. Eder and Irenea R. Eder, Sponse—petitioners. x----------x)

DECISION

The spouses, Federico P. Eder and Irenea R. Eder, 62 and 53 years of ages respectively and residents of Bacarra, Ilocos Norte, in their petition, pray that after due notice, publication and hearing, judgment be rendered to allow them to adopt the minors, Lourie Ann Dacuycuy and Inocencio Eder, Jr., 12 and 8 years of ages, the daughter of the spouses Alfonso Dacuycuy and Nelida G. Dacuycuy and the son of the spouses Inocencio Eder and Maria D. Eder, respectively, all residents of Bacarra, Ilocos Norte.

At the hearing, no opposition was filed or presented against the approval of the petition for the adoption of the minors Lourie Ann Dacuycuy and Inocencio Eder, Jr., by the petitions herein who were assisted by Atty. Castor Raval.

It appears that the petitioner-spouses had been married in January 1949 or twenty-four (24) years ago, but that they, singly or maritally, have no child whether legitimate, legitimated, acknowledged natural child or natural child by legal fiction. It also appears that they have acquired several parcels of land located in Cabaruan, Corocor, Natba, Dalipawong, Taratara, Dul-loongen, Bobenaso, Nambil-lit, Bugas and Bacsil, all of Bacarra, Ilocos Nerte, with a fair market value of P30,000.00, and from which are raise palay, garlic, tobacco, mongoes and other secondary crops: that they also own ten (10) hectares of riceland in Cauayan, Isabela and two (2) hectares of riceland in Luna, Isabela with a total current market value of no less than Seventy-two thousand Pesos (P72,000.00): that they also own a residential lot in Alahaka St, Waialua, Oahu, Hawaii now worth $20,000.00 and a house with a current value of $30,000.00, besides com-

plete sets of furnishings, furniture, appliances, and a family car; that petitioner Federico P. Eder is insured with the U.S. Life Insurance Company in the amount of $3,000.00, while the petitioner, Irenea R. Eder is covered with an insurance policy with the Fil-American Assurance Co. in the amount of P2,000.00. For having been blessed thru their sweats with these fortune, and still hopeful to acquire some more, with no child of their own, they decided to adopt the minors, Lourie Ann Dacuycuy and Inocencio Eder, Jr. to experience the joys of paternity and have an outlet of their instinct of parenthood.

In their desire to attain this purpose, the petitioners secured the consent of the parents of the minors, thru their affidavits, Annexes A and B, which later became Exh. E, executed by the spouses Inocencio Eder and Maria D. Eder, and Exh. F, executed by the spouses Alfonso Dacuycuy and Nelida O. Dacuycuy, besides their testimonies in open Court reiterating their consent to the adoption of their children by the petitioners.

As petitioner Federico P. Eder presently resides in Hawaii, he executed a Special Power of Attorney, Exh. C and C-1 wherein he gave his consent to this adoption proceedings and whereby he constituted and appointed his wife-co-petitioner to represent him in this proceedings from its beginning to its termination for the adoption of the said minors.

It appears further that the petitioners have never been convicted of any crime which involves moral turpitude, nor are they suffering from any incurable physical or mental disease, nor are they believers or teachers of doctrines or ideologies contrary to our established form of government or our ways of life, and that they have other qualifications and process none of the disqualifications to adopt other persons.

To show compliance with the order of the Court for the publication of the notice of hearing, the petitioners submitted the Affidavit of Publication, Exch. A, executed by Angelite G. Grande, Managing Editor of the Ilocos Times, a weekly newspaper, edited and published at Laoag City and with general circulation in this province as well as in the neighboring provinces, together with the three consecutive issues of the said newspaper, with the particular pages where the order were printed, Exh. B and B-1, dated April 2-8, 1973, Exh. C and C-1, April 9-15, 1973 and Exh. D and D-1, April 16-22, 1973 respectively.

As proof that the names of the miners as printed in the notices of publication are the same as those in the birth registers of the Office of the Local Civil Registrar, of birth certificates of the minors, Inocencio Eder, Jr. and of Lourie Ann Dacuycuy were submitted as Exh. H and Exh. I respectively, with the names Lourie Ann Dacuycuy and Lourie Ann Corazon Dacuycuy referring to the same person.

Considering these documentary proofs and the testimonies given at the hearing, the Court believes and so holds that the petitioners are fully competent to bring up and educate the said minors or have them educated and that this adoption by the petitioners, of the minors, Inocencio Eder, Jr. and Lourie

Ann Dacuycuy are for the best interest, welfare, advantage and benefit of the latter. Hence the petitioners herein are hereby authorized to adopt the said minors as their children for all legal intent and purposes. Consequently the paternal authorities of the natural parents, Inocencio Eder and Maria D. Eder and of Alfonso Dacuycuy and Nelida G. Dacuycuy over their said children are hereby dissolved and so it follows that the said minors are now freed from all legal obligations of obedience and maintenance with respect to them. The surname Dacuycuy of Lourie Ann is hereby changed to "Eder" and the surname of Inecencio Eder, Jr. remain the same, "Eder" which is the surname of the petitioners.

The successional rights of the minors herein adopted are governed by Arts. 341, 342 and 343 of the Civil Code as well as by Rule 99, Sec. 5 of the Rules of Court.

So ordered.

Bacarra, Ilocos Norte, May 9, 1973.

[SEAL] FELIX A. RIVERA,
Municipal Judge.

A certified true copy from its original and is issued at the request of the interested party for identification purposes.

Bacarra, Ilocos, Norte, February 18, 1974.

DEMETRIO A. SORNEO,
Clerk of Court.

The author of the bill, Senator Matsunaga submitted the following statement in support of his bill:

STATEMENT OF THE HONORABLE SPARK M. MATSUNAGA

A second private bill before the Subcommittee for reconsideration is S. 215, a bill for the relief of Lourie Ann Eder which would waive the two year legal custody and residence requirement of Section 101(b)(1)(E) of the Immigration and Nationality Act. Should S. 215 become law, the Eders would be able to obtain from the Immigration and Naturalization Service an approved visa petition to classify Lourie Ann as an immediate relative of U.S. citizens for immigration purposes.

When the Subcommittee last considered S.215, questions were raised about the legitimacy of the adoption of Lourie Ann by the Eders, particularly in view of the age of the Eders and the relationship they maintain with their other adopted child, Inocencio. Due to the serious concerns of the Subcommittee members, I asked the State of Hawaii to conduct an additional home study to specifically address these points. I forwarded a copy of the report to the Subcommittee on May 28, 1982.

Based upon this further study of the Eder family, the Hawaii State Department of Social Services and Housing concludes that the relationship between the Eders and their adopted daughter is one of a loving, stable family. Mrs. Eder has developed a very strong relationship with Lourie Ann, who is her grandniece. She took an active role in the raising of Lourie Ann. Although Lourie Ann was not adopted until

she was twelve years old, Mrs. Eder had lived with Lourie Ann for four years prior to the adoption. She lived an additional year with her adopted daughter after the adoption. The social worker who reviewed the correspondence between the Eders and Lourie Ann states that these letters reflect a true, loving relationship and a genuine desire to be united as a family.

Mr. and Mrs. Eder have assumed the responsibilities as parents for Lourie Ann. The supplemental home study confirmed that the Eders are financially supporting their adopted daughter. Since the adoption nine years ago, the Eders have paid for Lourie Ann's living expenses and have completely subsidized her nursing education through the proceeds from their land, the assignment of their social security payments directly to her, and additional money orders whenever necessary.

The question of whether a bona fide parent-child relationship exists between the Eders and Lourie Ann was raised by the Subcommittee due to the living arrangements of the Eders' first adopted child Inocencio, who resides with his natural parents in Honolulu during the school week and commutes to the Eders' home in Waialua on weekends. For the Subcommittee's information, Waialua is a one hour drive from Honolulu. It is important to note that Inocencio lives with the Eders on weekends and during the summer. As pointed out in the supplemental home study report, Inocencio's commuter arrangement is one of convenience which allows him to improve his scholastic ability with the help of his brother and does not reflect upon his relationship to his adoptive parents.

Unlike Inocencio, Lourie Ann has no immediate relatives living in Hawaii other than her adoptive parents. As explained in the original home study report, Lourie Ann is the grandniece of Mrs. Irenia Eder, while Inocencio is the grandnephew of Mr. Frederico Eder. I can assure the Subcommittee, that Lourie Ann has every intention of living with her adoptive parents upon her arrival in Hawaii.

The remaining concern raised by the Subcommittee is the age of the Eders. The feeling apparently is that their advanced age may hinder their ability to act as parents. In this regard, I would like to make three points. First, the longevity level in Hawaii is the highest throughout the United States. The home study report from the Hawaii State Department of Social Services and Housing indicates that both Mr. and Mrs. Eder are in good health. It is very possible, therefore, that they have many more productive years ahead of them. Second, Lourie Ann is a very mature and able young adult. She has just graduated with a Bachelor of Science degree in nursing. Not only will she be able to financially care for herself, she will be able to help out the Eders should they ever need it. Third, there are many couples in the same age bracket as the Eders who are excellent parents to young adults. Two examples come immediately to mind: President Reagan; and myself.

I hope that this testimony has answered the questions that this Subcommittee had about Lourie Ann's adoption. She is very anxious to come to Hawaii as soon as possible so that she can be united with her adoptive parents. I therefore urge this Subcommittee to act favorably on S. 215.

Mr. Chairman, I appreciate the time and attention that your Subcommittee has given to this bill.

BUDGETARY INFORMATION

This legislation does not provide new budget authority and no estimate or comparison has been received from the Director of the Congressional Budget Office.

OVERSIGHT STATEMENT

The Committee exercises general oversight jurisdiction with respect to all immigration and nationality matters but no specific oversight is contemplated in this instance.

COMMITTEE RECOMMENDATIONS

Upon consideration of all the facts in this case, the Committee is of the opinion that S. 215 should be enacted and accordingly recommends that the bill do pass.

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